



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: SMALL, ROBERT J., et al. Docket Number.: DANM-027

Application No.: 10/568,077

Confirmation number: 7442

Filed: August 3, 2007

Art Unit: 1792

Examiner: DUCLAIR, STEPHANIE P.

For: PERIODIC ACID COMPOSITIONS FOR POLISHING RUTHENIUM/LOW K
SUBSTRATES

Commissioner for Patents
401 Dulaney Street
Alexandria, VA 22314

Declaration under 37 CFR 1.130

Dear Sir,

In pending application 10/568,077 to Small et al., Claim 1 stands rejected under 35 U.S.C. 103(e) over US Patent 7524346 to Small et al. in view of US published application 20030119319. This pending application is a National Stage Entry of PCT/US04/25913 filed August 12, 2004, and claims priority to provisional applications 60/494,954 and 60/494,955 filed August 14, 2003.

US Patent 7524346 to Small et al. was assigned to EKC Technology Inc via an assignment filed on January 4, 2002, recorded at reel/frame 012540/0635. This patent was then transferred to Dupont Air Products Nanomaterials LLC, via an assignment filed on August 25, 2005, recorded at reel/frame 016700/0301. The undersigned officer Dupont Air Products Nanomaterials LLC hereby states and declares that Application No. 10/568,077 has since its invention been subject to assignment to the same entities as the owners of US Patent 7524346, namely EKC Technology Inc and then Dupont Air Products Nanomaterials LLC. Applicants have included the first page of PCT/US04/25913 showing the owner of that application to be EKC Technology, Inc.

I understand that willful false statements and the like are punishable by fine or imprisonment, or both (18 USC 1001) and may jeopardize the validity of the application or any patent issuing thereon, and that all statements made of his own knowledge are true and that all statements made on information and belief are believed to be true.

Date 20 December 2010 Signed Geoffrey L Chase
Geoffrey L. Chase
Title Assistant Secretary
Dupont Air Products Nanomaterials, LLC.